

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ESTATE OF JOSE R. FELICIANO,
By and through Jose L. Feliciano and
Migdalia Rosado, as Administrators of
The Estate of Jose R. Feliciano,
Plaintiffs

vs.

KEVIN A. MILES,
LEROY HOLDING COMPANY, INC.,
and SLC TRANSPORTS, INC.,
Defendants

Civil No. 03-30308-MAP


FILED
IN CLERK'S OFFICE
2005 APR 21 P 2:18
U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS

**DEFENDANTS' MOTION IN LIMINE REGARDING
PHOTOGRAPHS NUMBERED 51 THROUGH 63**

Now comes the Defendants in the above-entitled matter and respectfully requests this Honorable Court to preclude from evidence in the trial of this matter photographs number 51 through 63 regarding the funeral of Jose R. Feliciano. In support of this Motion the Defendants state that pursuant to Federal Rules of Evidence 401, 402, and 403 said evidence is not relevant to any material issue in this action, that the proposed photographs have no tendency to make the existence of any fact that is of consequence to the determination of facts more probable or less probable, than it would be without the proposed photographs.

Further, said photographs would unfairly prejudice the Defendants and tend to evoke sympathy for the Plaintiffs from the jury. In accordance with M.G.L. Chap. 229, damages cannot be awarded for grief, anguish and bereavement. MacCuish v. Volkswagen Work, A.G., 22 Mass App. Ct., 380 (1986), Affirmed 400 Mass. 1033 (1987).

THE DEFENDANTS,
KEVIN MILES, LEROY HOLDING
COMPANY, INC. & SLC TRANSPORT, INC.
By Their Attorney


Kevin G. Murphy, Esquire
Pessolano, Dusel, Murphy & Casartello, PC
115 State Street, Fifth Floor
Springfield, MA 01103
(413) 781-4700
(413) 781-0471 (fax)
BBO No. 363110